



July 9, 2010

Ms. Lynn M. Bumguardner
Texas Commission on Environmental Quality
14250 Judson Road
San Antonio, Texas 78233-4480

Re: File No. 1934- Water Pollution Abatement Plan Exception Request for **FM 1283 Ranch Quarry** located west of the intersections of FM 471 and SH 211, on FM 1283, within the Extra Territorial Jurisdiction of San Antonio.

Dear Ms. Bumguardner:

SAWS Aquifer Protection and Evaluation Section staff of the Resource Protection Division has completed its review of the application submitted for the above referenced Water Pollution Abatement Plan (WPAP) Exception Request received on June 16, 2010. This application is for the proposed construction of a 30 acre quarry operation. The applicant is asking for an exception to permanent BMPs, however is planning to use temporary BMPs. The overall site covers 113 acres with a proposed impervious cover of 0.27 acres (0.24%).

TECHNICAL REVIEW

SAWS Aquifer Protection & Evaluation staff reviewed the submitted WPAP exception request for FM 1283 Ranch Quarry. The geologic assessment portion of the WPAP indicates there are no sensitive geologic features. The applicant is proposing vehicle/equipment maintenance, refueling operations, and a 300 gallon above ground storage tank for the on-site generator within the quarry pit area. The applicant proposes the construction of significant rock berms and rock lined swales as temporary BMPs along the entire perimeter of the working pit, expanding as excavation proceeds. At the end of quarrying activities, the applicant proposes a "final rock berm" along the furthest extent of excavation. The applicant proposes that stormwater runoff occurring within the working pit be retained and allowed to evaporate within the pit. In the event that the working pit requires dewatering, this water will be discharged through Deep Creek. Additionally, no portion of the proposed 30 acre quarry activity area lies within the 100-year floodplain area, however; a portion of the overall 113 acre Zumwalt Property does lie within the 100-year floodplain.

TECHNICAL RECOMMENDATIONS

SAWS recommends all of the following activities take place off site since quarry pits are subject to flooding:

- All vehicle/equipment maintenance.
- Any and all refueling operations.
- Fuel storage for on-site generators or vehicle use.

RECEIVED TO CEO
SAN ANTONIO
REGION
2010 JUL 14 PM 12:51

SAWS recommends that if a fueling pad is to be constructed, it be constructed of concrete with concrete curbs sufficient to contain 150% of a complete release of the total fuel load of this fueling truck. The justifications for the proposed exception to permanent BMPs do not appear to properly demonstrate sufficient protections to the sensitivity of the area. SAWS recommends the use of permanent BMPs throughout all working quarry and /or excavation areas. The "final rock berm" essentially serves the same purpose as a permanent BMP. SAWS recommends that the "final rock berm" be installed first, prior to beginning quarrying activities, and serving as secondary containment for the temporary rock berms as quarrying activity proceeds.

SAWS recommends that any retained water that does not evaporate be reused within the working pit for purposes such as dust abatement spraying, etc. In the event of a significant rainfall event that requires dewatering, it is recommended that a BMP able to desilt the first flush of discharge water be installed.

A final floor elevation of 1115' is being proposed, although no justification for this final floor elevation was provided other than "quality of rock and market conditions". It was noted that no Edwards wells were found on site, although 2 wells adjacent were completed to the Trinity. These well logs did not include the depth to the Edwards/Trinity transition, and noted that the well was cased through the Edwards. Therefore, specific stratigraphic information needs to be reviewed prior to determining final floor elevation, in order to avoid potential impacts to the Edwards Aquifer water table.

During excavation/quarrying activities, the applicant proposes an annual quarry floor inspection by a Professional Geologist in order to determine the existence of discovered, sensitive geologic feature as defined by TCEQ. SAWS recommends that this inspection be made on a quarterly basis and if any sensitive geologic feature is discovered, SAWS Aquifer Protection and Evaluation Section and TCEQ be notified.

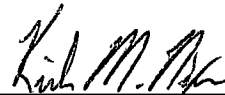
Based on previous experience of the applicant burning vegetation material within the Edwards Recharge Zone, SAWS recommends that alternative disposal methods of cleared vegetation be considered. However, if TCEQ approves onsite burning of cleared vegetation, the applicant should be apprised that new state regulations regarding burning of brush and mulch have been enacted, and that the applicant adheres to these regulations.

Based on the WPAP information submitted by the engineer, staff recommends **disapproval** of this application. SAWS has concerns, specifically within the quarry pit area, regarding the possibility of fuel spills due to refueling operations, generator fuel storage, and equipment and vehicle maintenance activities.

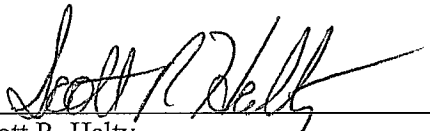
Ms. Lynn M. Bumgardner
FM 1283 Ranch Quarry
Page 3

If you have any questions or require additional information, please contact the SAWS Aquifer Protection and Evaluation Section at (210) 233-3526.

Sincerely,



Kirk M. Nixon
Manager, Resource Protection Division



Scott R. Halty
Director, Resource Protection & Compliance Department

KMN: MJB/BVK

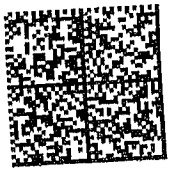
cc: Gary Nicholls, P.E., VP, Westward Environmental, Inc.
Robin Tremallo, Edwards Aquifer Authority
Henry L. Zumwalt, H.L. Zumwalt Construction, Inc.



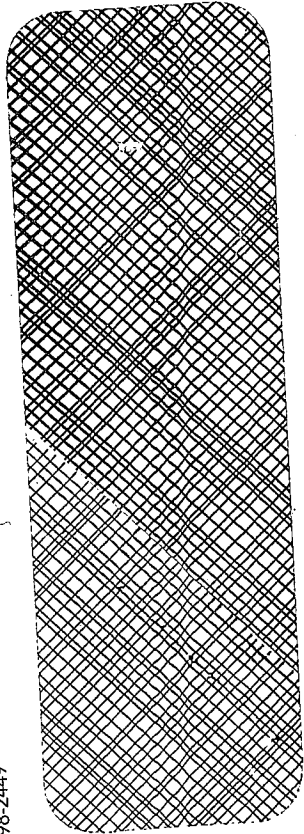
2800 U.S. Hwy. 281 North
P.O. Box 2449
San Antonio, TX
78298-2449

**RETURN SERVICE
REQUESTED**

**PRESORTED
FIRST CLASS**



\$ 00.357
02 1M
0004259373
JUL 13 2010
MAILED FROM ZIP CODE 78212



210 FRCIN31 78233

